

9-39.000

CONTEMPT OF COURT

Contempt of court is an act of disobedience or disrespect towards the judicial branch of the government, or an interference with its orderly process. It is an offense against a court of justice or a person to whom the judicial functions of the sovereignty have been delegated.

For a discussion of the law relating to civil and criminal contempt of court, see the Criminal Resource Manual

General Definition of Contempt	Criminal Resource Manual at 752
Elements of the Offense of Contempt	Criminal Resource Manual at 753
Criminal Versus Civil Contempt	Criminal Resource Manual at 754

Tests for Distinguishing Between Civil and Criminal Contempt

Nature of Relief Sought	Criminal Resource Manual at 755
Mechanical Distinction	Criminal Resource Manual at 756
Purging	Criminal Resource Manual at 757
Criminal and Civil Contempts Elements are Present	Criminal Resource Manual at 758

Indirect Criminal Contempt

Indirect Versus Direct Contempt	Criminal Resource Manual at 759
Institution of the Action	Criminal Resource Manual at 760
Federal Jurisdiction and Venue	Criminal Resource Manual at 761
Notice Under Rule 42(b) of the Rules of Criminal Procedure	Criminal Resource Manual at 762
Probable Cause of a Willful Violation	Criminal Resource Manual at 763
Necessity of a Demand for Compliance With the Decree	Criminal Resource Manual at 764
Use of a Single Petition to Institute Both a Civil and Criminal Contempt Action	Criminal Resource Manual at 765
Role of the Grand Jury	Criminal Resource Manual at 766
Persons Against Whom the Action May Be Commenced	Criminal Resource Manual at 767
Role of the Prosecutor	Criminal Resource Manual at 768

Defenses

Negation of Essential Elements	Criminal Resource Manual at 769
Statute of Limitations	Criminal Resource Manual at 770
Good Faith Reliance Upon the Advice of Counsel	Criminal Resource Manual at 771
Purging	Criminal Resource Manual at 772
Failure to Attempt to Obtain Compliance Prior to Filing	Criminal Resource Manual at 773

Violation of an Invalid Decree	Criminal Resource Manual at 774
Inability Versus Refusal to Comply	Criminal Resource Manual at 775
 Consolidation for Trial of Issues in Civil and Criminal Contempt Proceedings	 Criminal Resource Manual at 776
Right to Counsel	Criminal Resource Manual at 777
Privilege Against Self-Incrimination	Criminal Resource Manual at 778
Burden of Proof in a Criminal Contempt Action	Criminal Resource Manual at 779
 Direct Contempt	
Witness's Refusal to Obey Court Order to Testify at Trial Versus	Criminal Resource Manual at 780
Witness's Refusal to Obey Court Order to Testify Before a Grand Jury	
Necessity of Warning of Contemptuous Conduct	Criminal Resource Manual at 781
Summary Punishment at the End of Trial -- Judicial Bias	Criminal Resource Manual at 782
Certification of Judge Under Rule 42(a) of the Federal Rules of Criminal Procedure	Criminal Resource Manual at 783
 Least Possible Power Rule	 Criminal Resource Manual at 784
Jury Trial	Criminal Resource Manual at 785
Public Trial	Criminal Resource Manual at 786
 Double Jeopardy	 Criminal Resource Manual at 787
Sentencing -- Effect of 18 U.S.C. § 401 on the Appropriate Fine or Imprisonment	Criminal Resource Manual at 788
Sentencing -- Discretion with Respect to the Appropriate Fine or Imprisonment	Criminal Resource Manual at 789
Appeal	Criminal Resource Manual at 790